

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

TRUE THE VOTE, et al.

PLAINTIFFS

v.

Civil Action No.: 3:14-cv-00532-NFA

**THE HONORABLE DELBERT HOSEMANN,
in his official capacity as Secretary of State for
the State of Mississippi, et al.**

DEFENDANTS

AFFIDAVIT OF MICHAEL B. WALLACE

STATE OF MISSISSIPPI
COUNTY OF HINDS

PERSONALLY APPEARED BEFORE ME, the undersigned authority in the State and County aforesaid, the within named Michael B. Wallace, who, after having by me been first duly sworn, did depose and say as follows:

1. My name is Michael B. Wallace. I am an adult resident citizen of Madison County, Mississippi. I am competent to testify in this matter, and I have personal knowledge of the facts stated herein.

2. I received my law degree in 1976 from the University of Virginia, where I was a member of the Law Review. I was admitted to the Mississippi Bar that same year, and I have remained in good standing ever since.

3. I have been general counsel of the Mississippi Republican Party since approximately 1990. I first represented the Party in litigation in 1983. The general counsel

is appointed by the Chairman of the State Executive Committee and approved by the Committee.

4. All members of the State Executive Committee and all members of county and municipal executive committees are volunteers who perform their committee duties without pay. As general counsel of the Party, I attend meetings of the State Executive Committee and provide advice to the Chairman, to the State Executive Committee, and occasionally to county and municipal executive committees on ordinary committee business on a pro bono basis. Consistent with my regular practice, I have advised the Party concerning the 2014 primary and the ensuing primary contest on a pro bono basis.

5. When called upon to defend the Party in litigation, I have traditionally charged a fee for my services, and I have done so with regard to the litigation captioned above. To a certain extent, however, it has been necessary for me to familiarize myself with proceedings in the primary challenge brought by Senator McDaniel against Senator Cochran for purposes of this litigation. For instance, it was necessary to review the papers filed in the challenge to determine whether any issues overlapped with this litigation, so as to consider a possible motion for abstention. I have not charged a fee for any time devoted purely to the primary or the primary challenge.

6. Attached hereto and made a part hereof as Exhibit A is a true and correct statement of the services and expenses incurred by my firm and charged to the Mississippi Republican Party for representation in this action. For the reasons stated hereafter, it is my belief that our fees, services, and expenses are reasonable in extent and amount. These

charges terminate with the review of this Court's opinion of August 29, 2014, and communications with the client with regard thereto.

7. I have charged the Party a rate of \$375 per hour. This is my lowest present rate for any client except for a matter in which I am representing a fellow lawyer at a rate of \$275 per hour imposed by his insurance carrier. My rates in other matters vary according to the client and the nature of the litigation. My current rates range as high as \$525 per hour, but most present cases are in the range of \$450-\$475 per hour.

8. I have been assisted in this matter by my associate Russell Nobile. He received his law degree from Mississippi College in 2002. He was admitted to the Mississippi Bar in 2002. He is presently in good standing with the Mississippi Bar. His regular hourly rate in 2014 is \$250. However, for this litigation, he is being billed at a rate of \$300 because of his expertise regarding the National Voter Registration Act derived from his seven years of service in the Civil Rights Division of the United States Department of Justice. His services have been especially useful in saving time that I would otherwise have had to devote to learning a statute with which I was not previously familiar.

9. I assigned one short project to my colleague Rebecca Hawkins. She received her law degree from Mississippi College in 1990. She was admitted to the Mississippi Bar that same year and has remained in good standing ever since. Her regular hourly rate in 2014 is \$275.

10. Several firm paralegals have assisted in this matter, principally Donna Pevey, who received her paralegal certificate from Hinds Community College in 2014. She also has many years of experience as a legal secretary. Lisa Brown, Jacqueline Davis and

Mandy Cuevas have also provided paralegal assistance in this matter. All paralegal time has been charged at the firm's regular rate of \$140 per hour.

11. Except for the small premium charged because of Mr. Nobile's expertise in the subject matter of this litigation, all lawyers and paralegals have been charged at regular hourly rates. It has been my experience that many firms charge a premium for service in preliminary injunction matters because of the necessity to drop other cases and to focus immediately on the application for emergency relief. Our firm has not charged such a premium in this case.

12. Having begun my law practice on the Mississippi Gulf Coast, over the years I have become familiar with the rates ordinarily charged by leading firms in Jackson and on the Gulf Coast. It is my opinion that the fees charged in this matter are well within the range of reasonable rates regularly charged in the Southern District of Mississippi. It is my further opinion that the charges for expenses are likewise reasonable.

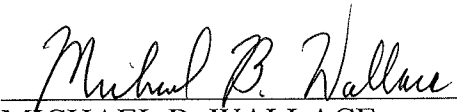
13. In any litigation involving more than one lawyer, some duplication of effort is unavoidable. That is particularly true when a plaintiff has requested an emergency hearing on preliminary relief. I have edited our bill to remove any duplication that can be identified. Given the circumstances in which we were required to prepare to defend this case, it is my opinion that the hours charged are reasonable.

14. This Court's opinion of August 29, 2014, denied, for the time being, the Party's motion for summary judgment on Count 3. However, it was necessary to research and address the legal principles underlying Count 3 in order to respond to plaintiffs' claims that they would be irreparably injured absent a preliminary injunction. The research and

drafting on that subject was reasonably necessary to the Party's response to the motion for preliminary injunction, on which the Party prevailed.

15. The charges represented on Exhibit A have been transmitted to the Party and will be paid when the Party is able to raise the funds from private donations. Based on my experience of 31 years of representing the Party, that may take many months or several years.

FURTHER, AFFIANT SAYETH NOT.

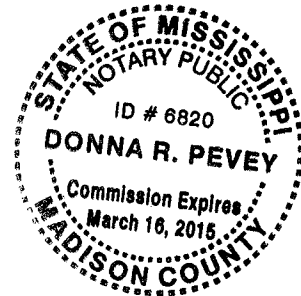

MICHAEL B. WALLACE

SWORN TO AND SUBSCRIBED BEFORE ME, this the 8th day of September, 2014.


NOTARY PUBLIC

My Commission Expires:

March 16, 2015



Fees	82,118.75
Disbursements	365.39
Total Charges	82,484.14

Fee Recap				
		Hours	Rate/Hour	Amount
Mike B Wallace	PARTNER	164.00	375.00	61,500.00
Rebecca W. Hawkins	ASSOCIATE	0.25	275.00	68.75
Russell Nobile	ASSOCIATE	65.00	300.00	19,500.00
Mandy Cuevas	PARALEGAL	1.00	140.00	140.00
Lisa M. Brown	PARALEGAL	1.75	140.00	245.00
Donna Pevey	PARALEGAL	1.00	140.00	140.00
Jacqueline D Davis	PARALEGAL	3.75	140.00	525.00
Totals		236.75		82,118.75

Disbursements		Amount
Description		
Mileage		161.60
Computer Research		190.39
Long Distance Telephone Call		13.40
Total Disbursements		365.39

Fees					
Date	Atty	Description	Hours	Rate	Amount
07/01/14	MBW	Receipt and review complaint; telephone conference with J. Nosef regarding same.	0.50	375.00	187.50
07/01/14	TRN	Review complaint and research NVRA caselaw.	1.00	300.00	300.00

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Date	Atty	Description	Hours	Rate	Amount
07/02/14	MBW	Letter to Eades Hogue.	0.50	375.00	187.50
07/02/14	TRN	Review Complaint and research NVRA law; call and email with Mike Wallace.	1.00	300.00	300.00
07/03/14	TRN	Review and suggest edit regarding letter to Houge; emails with Mike Wallace.	0.75	300.00	225.00
07/03/14	MBW	Telephone Drew Snyder; telephone conference with H. Pizzetta; legal research regarding National Voter Registration Act; letter to E. Hogue; memo to J. Nosef regarding same; receipt and review memo from J. Nosef regarding process and reply to same; receipt and review letter to Circuit Clerks demanding access.	3.50	375.00	1,312.50
07/07/14	MBW	Receipt and review letter from plaintiffs' counsel; memo to client regarding same; receipt and review show cause order; draft Rule 11 motion.	3.50	375.00	1,312.50
07/08/14	MBW	Draft Rule 11 motion; receipt and review order of dismissal; memo to chairman regarding same.	3.25	375.00	1,218.75
07/08/14	TRN	Research. Review motions.	0.50	300.00	150.00
07/08/14	TRN	Review Judge Mills ruling.	1.00	300.00	300.00
07/09/14	MBW	Receipt and review memo from D. Snyder regarding refiling; memo to chairman regarding same; receipt and review new complaint; memo to chairman regarding same; draft Rule 11 motion; receipt and review TRO motion; memo to chairman regarding same.	5.75	375.00	2,156.25
07/09/14	DP	Pull case law cited in Motion for Sanctions for review by MBW.	0.25	140.00	35.00
07/10/14	MBW	Telephone conference with Judge Wingate's chambers; draft opposition to TRO; draft Rule 11 motion; telephone conference with J. Nosef; telephone conference with TRN regarding revision to opposition to TRO; receipt and review supplement to TRO motion.	5.75	375.00	2,156.25
07/10/14	TRN	Review and research and finalize. Response to Motion for TRO; review and edit Motion for sanctions; calls with Mike Wallace.	4.00	300.00	1,200.00
07/10/14	LMB	Prepare Pleadings header; assist Russ Nobile with documents; prepare and file Entry of Appearance for Russ Nobile.	1.75	140.00	245.00
07/11/14	MBW	Attend hearing by telephone regarding recusal; edit Rule 11 motion; attend meeting with E. Hogue and serve motion.	3.00	375.00	1,125.00
07/11/14	DP	Gather exhibits to response to TRO and prepare them for filing; draft entry of appearance for MBW and file same with Clerk using the MEC system.	0.50	140.00	70.00
07/11/14	TRN	Prepare for conference call; research law regarding 1983 actions and EP claims.	2.25	300.00	675.00
07/11/14	MC	E-filed pleadings; download and organize same.	0.75	140.00	105.00
07/14/14	MBW	Receipt and review minute entry regarding recusal; receipt and review letter from E. Hogue; telephone conference with J. Nosef; receipt and review recusal order and order of referral to Judge Stewart; telephone conference with J. Nosef; telephone	3.75	375.00	1,406.25

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Date	Atty	Description	Hours	Rate	Amount	
		conference with A. Hopkins regarding Harrison County affidavits; legal research regarding disclosure statement; legal research regarding eligibility to participate in primary; receipt and review Harrison County mandamus petition.				
07/14/14	MBW	Receive and review Harrison County's Mandamus Petition.	0.25	375.00	93.75	
07/15/14	MBW	Receipt and review memo from J. Nosef and reply to same; study pleadings and cited cases to prepare for status conference; attend status conference by telephone.	7.50	375.00	2,812.50	
07/15/14	TRN	Review True The Vote response and emails regarding litigation.	1.00	300.00	300.00	
07/15/14	TRN	Conference call with Judge Atlas and call with Mike Wallace.	1.00	300.00	300.00	
07/17/14	MBW	Receipt and review memo from J. Nosef; receipt and review bill of particulars; telephone conference with TRN regarding same; receipt and review Supreme Court mandamus order.	1.00	375.00	375.00	
07/17/14	JDD	Research regarding opinions of the attorney general's office as it relates to the election process.	1.75	140.00	245.00	
07/17/14	TRN	Review and research Bill of Particulars.	0.75	300.00	225.00	
07/21/14	MBW	Receipt and review Supreme Court briefing.	0.75	375.00	281.25	
07/22/14	MBW	Legal research regarding Attorney General opinion regarding primaries; telephone conference with TRN regarding NVRA argument; receipt and review witness list and brief; memo to client and co-counsel regarding same; receipt and review exhibits; memo to A. Hopkins; telephone conference with Harold Pizetta regarding preparation for hearing; telephone conference with J. Nosef; telephone conference with A. Hopkins; prepare Catherine Engelbrecht outline.	5.50	375.00	2,062.50	
07/22/14	JDD	Pulled cases via Westlaw for attorney's research.	0.50	140.00	70.00	
07/22/14	TRN	Review/read all pleadings; research NVRA case law; Draft memo regarding all issues; emails with Mike Wallace.	6.25	300.00	1,875.00	
07/23/14	MBW	Draft Phil Harding outline; legal research regarding vote dilution claim; receipt and review TRN memo regarding NVRA claim; telephone conference with TRN regarding same; prepare for trial on TRO motion.	7.00	375.00	2,625.00	
07/23/14	DP	Gather and copy exhibits for MBW in preparation for hearing on TRO on July 23.	0.25	140.00	35.00	
07/23/14	TRN	Draft and finalize memo to Mike Wallace regarding NVRA claims. Emails with State; review pleadings.	6.25	300.00	1,875.00	
07/24/14	MBW	Attend trial on preliminary injunction.	11.00	375.00	4,125.00	
07/24/14	TRN	Travel to Jackson; attend hearing; Travel to Gulfport.	17.50	300.00	5,250.00	
07/25/14	MBW	Receipt and review order denying rehearing on mandamus; receipt and review memo from TRN and J. Nosef and reply to same; receipt and review order; memo to J. Nosef regarding same and receipt and review reply to same.	1.75	375.00	656.25	
07/25/14	MBW	Receive and review TRN's memo to Drew Snyder regarding brief preparation.	0.25	375.00	93.75	

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Date	Atty	Description	Hours	Rate	Amount
07/26/14	MBW	Telephone conference with J. Nosef.	0.25	375.00	93.75
07/28/14	TRN	Meet with Mike Wallace to discuss Motions and meet with Drew Snyder regarding election policy.	1.25	300.00	375.00
07/28/14	MBW	Letter to Joe Nixon; memo to J. Nosef regarding same; legal research regarding irreparable injury and draft brief regarding same.	2.25	375.00	843.75
07/29/14	TRN	Read emails and filings with Court.	0.25	300.00	75.00
07/29/14	MBW	Receipt and review memo from J. Nosef and reply to same; receipt and review filed TTV incident reports; receipt and review memo from J. Nosef; edit letter to Joe Nixon accordingly; letter regarding Kellum case to Mitch Tyner and Mark Garriga; study transcript of preliminary injunction hearing; draft brief opposing preliminary injunction; telephone conference with J. Nosef; edit letter to Mitch Tyner and Mark Garriga; prepare letter for transmission.	4.25	375.00	1,593.75
07/30/14	TRN	Review several filings; emails and calls with Mike Wallace and others, outline brief.	1.25	300.00	375.00
07/30/14	MBW	Telephone conference with Bobby Morgan; telephone conference with Justin Matheny regarding summary judgment schedule; memo to Joe Nosef regarding same; draft motion to dismiss; memo to J. Nosef regarding same; edit brief opposing preliminary injunction; receipt and review TTV letter to Judge Atlas; memo to J. Nosef regarding same; letter to Judge Atlas; draft notice of intent to file; receipt and review multiple filings by parties concerning summary judgment schedule; memo to J. Nosef regarding summary judgment; receipt and review reply to same; receipt and review amended complaint; memo to J. Nosef regarding same.	4.25	375.00	1,593.75
07/31/14	RWH	Keycite 5th Circuit decision and pull cases and information for MBW review.	0.25	275.00	68.75
07/31/14	TRN	Read and respond to emails and filings in lawsuit.	0.50	300.00	150.00
07/31/14	MBW	Legal research regarding Rule 11 and Rule 15; memo to J. Nosef regarding schedule; receipt and review letter from E. Hogue declining settlement offer; memo to J. Nosef regarding same; draft summary judgment brief.	6.50	375.00	2,437.50
08/01/14	TRN	Review filings; emails and review drafts of letter and documents.	1.00	300.00	300.00
08/01/14	JDD	Updated pleadings index for attorney's review.	1.50	140.00	210.00
08/01/14	MBW	Receipt and review memo from J. Nosef regarding True the Vote letter and reply to same; draft brief regarding election procedures; edit brief regarding summary judgment on vote dilution.	5.25	375.00	1,968.75
08/02/14	TRN	Outline motion and research law regarding Motion for Summary Judgment.	1.00	300.00	300.00
08/03/14	TRN	Draft and research Motion.	6.00	300.00	1,800.00
08/04/14	TRN	Review and finalize draft of Motion for Summary Judgment; emails.	3.50	300.00	1,050.00

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Date	Atty	Description	Hours	Rate	Amount
08/04/14	TRN	Review materials from McDaniel campaign and emails.	0.50	300.00	150.00
08/04/14	MBW	Draft brief opposing preliminary injunction; draft motion to dismiss or for summary judgment; edit summary judgment brief; letter to Judge Atlas.	5.25	375.00	1,968.75
08/05/14	TRN	Draft and research standard of review for Mike Wallace. Proof read Motion for Summary Judgment; emails.	1.50	300.00	450.00
08/05/14	MBW	Edit letter to Judge Atlas; edit summary judgment motion; receipt and review plaintiff's response to Lauderdale objection.	6.50	375.00	2,437.50
08/06/14	MC	Pleadings; File Maintenance.	0.25	140.00	35.00
08/06/14	TRN	Emails regarding Motion for Summary Judgment.	0.25	300.00	75.00
08/06/14	MBW	Draft summary judgment brief; receipt and review Summary Judgment motions from Copiah, Hinds, and Jefferson Davis Counties; receipt and review plaintiffs' summary judgment motion; prepare summary judgment brief for filing.	7.25	375.00	2,718.75
08/07/14	TRN	Review pleadings and motions filed in Court; review our draft response to Motion; emails to Mike Wallace et al.	1.50	300.00	450.00
08/07/14	MBW	Receipt and review Lauderdale County motion for summary judgment; draft brief opposing preliminary injunction; legal research regarding cases cited in plaintiffs' summary judgment motion.	6.00	375.00	2,250.00
08/08/14	TRN	Read Motions filed.	0.50	300.00	150.00
08/08/14	MBW	Receipt and review memos from J. Nosef and reply to same; edit brief opposing preliminary injunction; receipt and review Secretary of State draft brief; memo to Secretary of State's counsel regarding same; telephone conference with J. Nosef; receipt and review filed brief of Secretary of State.	3.00	375.00	1,125.00
08/11/14	TRN	Read emails and filings.	0.25	300.00	75.00
08/12/14	TRN	Review draft.	0.25	300.00	75.00
08/12/14	MBW	Draft opposition to plaintiffs' motion for summary judgment and memo to client regarding same.	3.25	375.00	1,218.75
08/13/14	TRN	Research and emails regarding 1986 Alabama election dispute.	0.25	300.00	75.00
08/13/14	MBW	Legal research regarding Alabama primary contest; edit opposition to motion for summary judgment.	1.50	375.00	562.50
08/14/14	TRN	Emails regarding McDaniel election complaint and review complaint.	0.25	300.00	75.00
08/14/14	MBW	Receipt and review memo from J. Nosef and reply to same; edit brief opposing summary judgment; receipt and review memo from Bobby Morgan and reply to same; receipt and review multiple memos from J. Nosef regarding draft brief and reply to same; telephone conference with D. Snyder.	1.50	375.00	562.50
08/15/14	TRN	Emails and review filings.	0.25	300.00	75.00
08/15/14	MBW	Receipt and review memo from D. Snyder and reply to same; receipt and review memo from J. Nosef and reply to same; telephone conference with J. Nosef; edit brief opposing summary judgment; prepare brief for filing; receipt and review Secretary	3.25	375.00	1,218.75

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Date	Atty	Description	Hours	Rate	Amount
		Hosemann's briefs.			
08/16/14	MBW	Receipt and review plaintiffs' briefs; memo to J. Nosef regarding same.	2.00	375.00	750.00
08/18/14	TRN	Review filings.	0.25	300.00	75.00
08/18/14	MBW	Legal research cases regarding indispensable parties; draft rebuttal brief regarding summary judgment; office conference with J. Nosef; receipt and review opposition to motion for sanctions; memo to J. Nosef regarding same.	5.75	375.00	2,156.25
08/19/14	TRN	Review filings.	0.25	300.00	75.00
08/19/14	MBW	Receipt and review memo from J. Nosef and reply to same; legal research regarding Rule 11; draft surrebuttal regarding preliminary injunction; draft rebuttal regarding summary judgment.	5.25	375.00	1,968.75
08/20/14	TRN	Review draft Brief.	0.50	300.00	150.00
08/20/14	MBW	Draft surrebuttal brief; edit rebuttal brief regarding summary judgment; draft rebuttal brief regarding summary judgment; legal research regarding Rule 11.	5.25	375.00	1,968.75
08/21/14	TRN	Emails and review filings.	0.25	300.00	75.00
08/21/14	MBW	Edit surrebuttal regarding preliminary injunction; draft rebuttal regarding summary judgment; draft Rule 11 rebuttal brief; receipt and review Secretary of State's surrebuttal; receipt and review Cochran's answer and motion to dismiss.	7.75	375.00	2,906.25
08/22/14	TRN	Review draft filing and filed documents.	0.25	300.00	75.00
08/22/14	MBW	Prepare rebuttal brief regarding summary judgment for filing; draft rebuttal brief regarding Rule 11 motion; receipt and review plaintiffs' response to Secretary of State motions and briefs.	6.50	375.00	2,437.50
08/25/14	MBW	Draft J. Nosef affidavit; draft Rule 11 rebuttal brief; legal research regarding 5th Circuit Rule 11 cases regarding lack of time; edit tables.	3.50	375.00	1,312.50
08/26/14	MBW	Receipt and review report regarding McDaniel opposition to dismissal; receipt and review McDaniel opposition; memo to J. Nosef regarding same.	1.00	375.00	375.00
08/30/14	MBW	Receipt and review Judge Atlas opinion; memo to J. Nosef regarding same.	1.25	375.00	468.75
09/03/14	MBW	Telephone conference with J. Nosef regarding contents of opinion.	1.00	375.00	375.00
Total Fees			236.75		82,118.75

Disbursements

Date	Description	Amount
	Computer Research	190.39
07/14/14	Long Distance Telephone Call; GULFPORT MS	0.20
07/15/14	Long Distance Telephone Call; HOUSTON TX	0.40
07/15/14	Long Distance Telephone Call; HOUSTON TX	12.40

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Date	Description	Amount
07/29/14	Long Distance Telephone Call; NEWORLEANS LA	0.40
08/08/14	Mileage; round trip mileage to Jackson for MSGOP hearing 7/24/14; Russell Nobile	161.60
Total Disbursements		365.39